

REMARKS

Claims 1-12 are pending in the present application. With entry of this Amendment, Applicant amends claims 1, 7 and 9-12 and adds new claim 13. Reexamination and reconsideration are specifically requested.

Claims 1-10

Applicant notes with appreciation the allowance of claims 1-10. Applicant has amended independent claims 1, 7 and 9 to recite "a control program" in the controller recitation of each claim. Claim 10 has been amended to better claim the invention.

Claims 11 and 12

The Examiner rejected claims 11 and 12 under 35 U.S.C. § 102(b) as being anticipated by Ikeya (U.S. Patent No. 6,492,584 B2) and Hotta (U.S. Patent No. 5,420,374). The rejections are respectfully traversed.

The present invention as set forth in claims 11 and 12 is directed to an electronic musical instrument having a memory. The memory stores control programs for controlling parts, such as a keyboard. Each part has different grades with different corresponding control programs. Claim 11 recites a switch and claim 12 recites a selector for selecting a control program for each part in accordance with the part's grade. In this manner, the present invention allows for partial upgrades of parts (such as a keyboard) without requiring an upgrade of the entire model. While it is believed that claims 11 and 12 clearly recite that the selection of a control program for each part is based on the grade of the *part* as opposed to the grade of the *entire instrument*, Applicant has amended claims 11 and 12 to recite "part grades" in two places for further clarification. Applicant has also amended the controller recitation in the same manner as claims 1, 7 and 9 above.

Ikeya discloses an electronic piano in Fig. 1 that can have a certain number of tone generator units 20. Based on the number of units, the electronic piano assigns different roles or functions to each of the units. For example, Col. 4, lines 24-57 explains how the assignment data

(called MCODE) directs a tone generator unit to be assigned two pitch names in a high-end, seven-unit model or four pitch names in a low-end, four-unit model.

Ikeya thus simply discloses electronic pianos having different number of tone generator units where the units have different roles or functions depending on the total number of units. There is no disclosure or suggestion in Ikeya that the electronic piano stores control programs for each unit corresponding to *different grades of the unit*. For example, there is no discussion in Ikeya of one of the units being upgraded. While Ikeya discloses different grades of electronic pianos based on the number of tone generator units, there is no disclosure of a memory in an electronic piano for storing control programs for each unit corresponding to the unit's different grades.

Hotta is similarly deficient. Hotta describes that different grades of electronic musical instruments provide different numbers of tone colors. For example, a pro-model may provide 300 tone colors while a beginner's model may only provide 25. (See, e.g., Col. 3, line 61 to Col. 4, line 2.) Hotta discloses an instrument that can use the tone control data of another model through the use of a conversion table. (See, e.g., Col. 4, lines 56-64; Fig. 3.) There is no disclosure or suggestion in Hotta that the instrument stores control programs for each part of the instrument corresponding to different grades of the part. The Examiner cites Fig. 4 as disclosing a plurality of parts. However, Fig. 4 only discloses different models of instruments at the top and what tone colors (e.g., STRINGS 1, STRINGS 6, etc.) are available for each model. There is no disclosure or suggestion in Fig. 4 of parts.

Accordingly, Applicant respectfully submits that claims 11 and 12 are patentable over Ikeya and Hotta.

Claim 13

Applicant has added new claim 13 which depends from claim 11. Support for claim 13 is found in the specification, including at page 19, lines 8-15.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032044300.

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Respectfully submitted,

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